

## **IC 5-22-23**

### **Chapter 23. Telephone Calling Systems for Confined Offenders**

#### **IC 5-22-23-0.5**

##### **Application of chapter**

Sec. 0.5. This chapter does not apply to solicitations for telephone calling systems (including local, interlata, intralata, and interstate long distance services) for confined offenders made before March 20, 2002.

*As added by P.L.220-2011, SEC.103.*

#### **IC 5-22-23-1**

##### **"Confined" defined**

Sec. 1. For purposes of this chapter, "confined" has the meaning set forth in IC 11-8-1-6.

*As added by P.L.65-2002, SEC.1.*

#### **IC 5-22-23-2**

##### **"Department" defined**

Sec. 2. For purposes of this chapter, "department" refers to the Indiana department of administration.

*As added by P.L.65-2002, SEC.1.*

#### **IC 5-22-23-3**

##### **"Offender" defined**

Sec. 3. For purposes of this chapter, "offender" has the meaning set forth in IC 11-8-1-9.

*As added by P.L.65-2002, SEC.1.*

#### **IC 5-22-23-4**

##### **"System" defined**

Sec. 4. For purposes of this chapter, "system" means a telephone calling system (including local, intralata, interlata, and interstate long distance services) for confined offenders.

*As added by P.L.65-2002, SEC.1.*

#### **IC 5-22-23-5**

##### **Requirements of system solicitation; deposit of commissions into correctional facilities calling system fund**

Sec. 5. (a) This section applies to a solicitation for a system by the department.

(b) Notwithstanding any other law, the solicitation must include a statement concerning the following:

(1) Any security and fraud control services considered necessary by the department, including the use of collect calling services as the sole means of confined offender communications with the general population.

(2) The goal of reducing the total cost of a telephone call placed by a confined offender by soliciting competitive proposals that

emphasize lower:

- (A) per call service charges;
- (B) per minute rates; and
- (C) commission rates.

(c) The department shall accept the responsible offeror whose proposal is determined in writing to be the most advantageous to the governmental body, taking into consideration price and the other evaluation factors set forth in the request for proposals. The determination must include the consideration of any requirement imposed under subsection (b).

(d) The department shall deposit commissions received under a contract entered into under a solicitation into the correctional facilities calling system fund established by section 7 of this chapter.  
*As added by P.L.65-2002, SEC.1.*

#### **IC 5-22-23-6**

##### **Requirements of a system solicitation by certain purchasing agents**

Sec. 6. (a) This section applies to a purchasing agent for the following:

- (1) A community corrections advisory board.
- (2) A juvenile detention center.
- (3) A juvenile detention facility.
- (4) A county jail.

This section does not apply to a purchasing agent for a county with a population less than seventy-five thousand (75,000).

(b) Notwithstanding any other law, a solicitation by a purchasing agent:

- (1) must include any security and fraud control services considered necessary by the purchasing agency, including the use of collect calling services as the sole means of confined offender communications with the general population; and
- (2) may not solicit:
  - (A) a per call service charge;
  - (B) a per minute rate; or
  - (C) a commission rate;

that exceeds the terms of a contract between the state and a telecommunications provider for the same service under the most recent solicitation submitted by the department under this article.

*As added by P.L.65-2002, SEC.1.*

#### **IC 5-22-23-7**

##### **Establishment and management of the correctional facilities calling system fund**

Sec. 7. (a) The correctional facilities calling system fund is established for the purposes of improving, repairing, rehabilitating, and equipping department of correction facilities. The fund consists of the following:

- (1) Money deposited in the fund under section 5(d) of this chapter.

- (2) Money appropriated by the general assembly.
- (3) Money received from any other source.
- (b) The department of correction shall administer the fund.
- (c) The expenses of administering the fund shall be paid from money in the fund.
- (d) Money in the fund may not be spent unless the general assembly includes a specific line item appropriation in the budget bill or otherwise specifically appropriates the money in the fund.
- (e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.
- (f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.65-2002, SEC.1.*

**IC 5-22 Version b**

**ARTICLE 22. REPEALED**

*(Repealed by P.L.253-1997(ss), SEC.39.)*

*Note: This version of IC 5-22, as added by P.L.19-1997, SEC.7, was repealed by P.L.253-1997(ss), SEC.39, and re-enacted at IC 5-24 by P.L.253-1997(ss), SEC.40. See also the preceding version of IC 5-22, as added by P.L.49-1997, SEC.1.*